

U.S. DISTRICT COURT
SOUTHERN, DISTRICT OF NEW YORK

N
Index # 08 CV 00540

Plaintiff(s)

SHEET METAL WORKERS' NATIONAL PENSION FUND, ET AL

- against -

AFFIDAVIT

Defendant(s)

AUL SHEET METAL WORKS INC., ET AL

Jeffrey S. Dubin
464 New York Ave. #100
Huntington, NY 11743

Court Date:

Your File No:

Our Rec. No: 280123

STATE OF NEW YORK: COUNTY OF NASSAU: ss:

David Levine LIC#778982, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen and resides in the State of New York.

That on 01/29/08 at 10:38AM at:

4748 BRONX BLVD.,
BRONX, NY 10470

deponent served the within SUM, COMP, JUDGE'S IND RULES & INSTRUCTIONS, PROCEDURES AND** on YVES JEROME recipient therein named.

Service was made in the following manner after your deponent was unable with due diligence to serve the recipient in person:

By delivering a true copy thereof to and leaving with TRACI "SMITH"-COWORKER*** a person of suitable age and discretion at 4748 BRONX BLVD., BRONX, NY 10470 the said premises being the recipient's place of business within the State of New York.

A description of the recipient or other person served on behalf of the recipient is as follows:

Approximate Age: 40 Approximate Weight: 180 Approximate Height: 5'6"

Color of Skin: BLACK Color of Hair: BLACK Sex: FEMALE

***REFUSED TO GIVE LAST NAME

**GUIDELINES FOR FILING AN ELECTRONIC CASE

Spoke w/ TRACI "SMITH"-COWORKER*** on 01/29/08 who confirmed his/her nonmilitary status.

Deponent also mailed a copy(ies) of same post paid by first class mail properly addressed to defendant(s) at the aforementioned address in an envelope marked 'personal & confidential' and not indicating that the communication was from an attorney or concerned an action against the defendant(s) and deposited said envelope in a post office depository under exclusive care and custody of the United States Postal Service within New York State on 01/31/08.

Deponent asked the person spoken to whether the defendant was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he was not. Your deponent further says that he knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.

Sworn to before me this date 01/31/08
Bruce J Smilowitz #01SM4965926
Notary Public, State of New York
Nassau County, Commission Expires 04/30/2010

David Levine LIC#778982